

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

JOHN ROCKWELL,

Appellant,

v.

DEPARTMENT OF SOCIAL AND HEALTH
SERVICES,

Respondent.

Case No. ALLO-04-0002

ORDER OF THE BOARD FOLLOWING
HEARING ON EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, GERALD L. MORGEN, Vice Chair, and BUSSE NUTLEY, Member, on Appellant's exceptions to the director's determination dated January 28, 2004. The hearing was held at the Personnel Appeals Board, 2828 Capitol Boulevard, Olympia, Washington, on July 22, 2004.

Appearances. Appellant John Rockwell appeared *pro se*. Lester Dickson, Human Resource Manager, represented Respondent Department of Social and Health Services, Special Commitment Center (SCC).

Background. On September 16, 2000, Appellant promoted into position QV15, Forensic Therapist 3 (FT3), with the SCC. During the early part of 2003, Appellant assumed a temporary appointment at Western State Hospital as a Psychiatric Social Worker 3. During the time Appellant was working at Western State Hospital, the SCC underwent a reorganization. Consequently, Vincent Gollogly, Clinical Director at the SCC informed Appellant by letter dated July 25, 2003, "as a result of this reorganization we are in the process of reallocating [the] Forensic Therapist 3 position to a Forensic Therapist 2 position." Therefore, the supervisory duties assigned to position QV15 were

1 eliminated. Mr. Gollogly then informed Appellant that if he returned to his previous position, it
2 would be as a Forensic Therapist 2 (FT2), “Y-rated” to retain Appellant’s level of pay.

3 On August 25, 2003, Mary Jo Hagen, Human Resource Manager at the SCC, notified
4 Appellant that the duties outlined in the Classification Questionnaire (CQ) for position QV15 did
5 not match the duties for an FT3; therefore, the position was being reallocated downward to FT2,
6 effective September 24, 2003. On September 12, 2003, Appellant filed an appeal to the Department
7 of Personnel and on December 4, 2003, Paul L. Peterson, Personnel Hearings Officer, held an
8 allocation review. By letter dated January 28, 2004, Mr. Peterson advised Appellant his position
9 was properly allocated to the FT2 classification because he no longer had supervisory
10 responsibility. On February 23, 2004, Appellant filed an appeal with the Personnel Appeals Board.

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12 **Summary of Appellant’s Argument.** Appellant asserts he was not consulted or allowed to
13 provide input regarding the reorganization of the clinical department. Appellant further argues the
14 reorganization has never been explained or justified and has harmed the program. Appellant asserts
15 the program needs more than one supervisor to meet needs and objectives. Appellant also argues
16 the elimination of the FT3 position has overburdened psychologists, so resident needs are not being
17 met. Appellant argues he currently engages in FT3 diagnostic recommendations, treatment plans,
18 intake evaluation reports, and leads clinical supervision as outlined in the FT3 definition. Appellant
19 contends he provides senior guidance and mentorship to inexperienced psychologists, and the
20 program relies on his expertise for training and consultation. Appellant argues his supervisory
21 duties were officially removed as a form of retaliation by administrators, and that, in practice, he
22 performs supervisory duties.

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24 **Summary of Respondent’s Argument.** Respondent argues that while Appellant implies there are
25 issues with his employment, the reallocation of his position is really a result of restructuring the
26 clinical department. Respondent agrees that at one time the program did have four FT3 positions

1 but argues the reorganization allows a better reporting system. Respondent asserts Appellant was
2 apprised of the reorganization and was given an opportunity to review and compare the newly
3 assigned FT2 duties with the previous FT3 duties. Therefore, Respondent argues that Appellant
4 was notified prior to his return to the SCC that he would no longer be directing other employees
5 under the new CQ. Respondent argues Appellant's salary was Y-rated so that he would not suffer a
6 loss in pay. Respondent contends Appellant is recognized as an excellent forensic therapist, and the
7 department asks for his input as a lead worker, but he does not direct a treatment unit.

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9 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
10 to the Forensic Therapist 2 classification should be affirmed.

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12 **Relevant Classifications.** Forensic Therapist 2, class code 36440; Forensic Therapist 3, class code
13 36450.

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15 **Decision of the Board.** The purpose of a position review is to determine which classification best
16 describes the overall duties and responsibilities of a position. A position review is neither a
17 measurement of the volume of work performed, nor an evaluation of the expertise with which that
18 work is performed. Also, a position review is not a comparison of work performed by employees in
19 similar positions. A position review is a comparison of the duties and responsibilities of a particular
20 position to the available classification specifications. This review results in a determination of the
21 class which best describes the overall duties and responsibilities of the position. Liddle-Stamper v.
22 Washington State University, PAB Case No. 3722-A2 (1994).

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24 Because a current and accurate description of a position's duties and responsibilities is documented
25 in an approved classification questionnaire, the classification questionnaire becomes the basis for
26 allocation of a position. An allocation determination must be based on the overall duties and

responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

The definition for the class of Forensic Therapist 2 states:

Directs the care, custody, evaluation, treatment, and community liaison for one or more groups of court-committed sexual or mentally ill offenders at a mental health hospital treatment center utilizing group therapy techniques. Performs a program-wide assignment such as program interpretations, development, security, or offender evaluation; or supervises and trains two or more Forensic Therapists or Trainees. May serve as an expert witness in court hearings. Provides counseling to the committed offender's families.

The definition for the class of Forensic Therapist 3 states:

Directs and has overall responsibility for a major program function of a mental health hospital treatment center for court-committed sexual or mentally ill offenders, such as care and custody, diagnosis, community and volunteer relations, consultation and training, program evaluation. Directs a treatment unit comprised of two or more Forensic Therapist 2's; or directs, administers, and supervises a special legal offender project.

The issue before us is not the reorganization but whether Appellant meets the supervisory criteria as outlined in the FT3 specification. The documentation provided clearly shows Respondent apprised Appellant that upon his return to the SCC, he would no longer have the "overall responsibility for a major program" he had in the past. Appellant's current CQ states, in relevant part, "[w]orks as a member of a treatment team supervised by a team leader." Therefore, the director's designee correctly concluded that "[w]ith the removal of the supervisory responsibility," the position was no longer appropriately allocated at the FT3 level. As a result, the decision that Appellant's duties are more appropriately allocated to the Forensic Therapist 2 classification should be affirmed.

Conclusion. The appeal on exceptions by Appellant should be denied, and the Director's determination dated January 28, 2004, should be affirmed and adopted.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellants is denied, and the attached Director’s determination, dated January 28, 2004, is affirmed and adopted.

DATED this _____ day of _____, 2004.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Gerald L. Morgen, Vice Chair

Busse Nutley, Member